

Exhibit A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 22- 8436 -NO B
Court address Midland County Circuit Court, 301 W. Main Street, Midland, Michigan 48640		Court telephone no. 989-832-6735

Plaintiff's name(s), address(es), and telephone no(s).
BRETT BRAYMAN and MARIA BRAYMAN
1300 Red Oak Lane
Midland, MI 48640
(989) 837-2401

Plaintiff's attorney, bar no., address, and telephone no.
Hurlburt, Tsiros & Allweil, P.C.
By: John I. Tsiros (P32235)
821 South Michigan Avenue / P.O. Box 3237
Saginaw, MI 48605
(989) 790-3221

v

Defendant's name(s), address(es), and telephone no(s).
SPEEDWAY, LLC
Resident Agent: The Corporation Company
40600 Ann Arbor Road East, Suite 201
Plymouth, MI 48170

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 1-20-22	Expiration date* 4-21-22	Court clerk [Signature]
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

PROOF OF SERVICE

Case No. 22-

-NO

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time

Signature _____ on behalf of _____

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MIDLAND

BRETT BRAYMAN and
MARIA BRAYMAN,

Plaintiffs,

-VS-

SPEEDWAY, LLC

Defendant.

Case Number: 22 - 8436 -NO- B

Honorable Beall

HURLBURT, TSIROS & ALLWEIL, P.C.
BY: JOHN I. TSIROS (P32235)
Attorneys for Plaintiff
821 South Michigan Avenue
P.O. Box 3237
Saginaw, Michigan 48605
(989) 790-3221

A TRUE COPY
Ann Manary
ANN MANARY
MIDLAND COUNTY CLERK &
CLERK OF THE 42nd CIRCUIT COURT

COMPLAINT

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge. I do not know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed transferred, or otherwise disposed of after having been assigned to a judge in this court.

NOW COME Plaintiffs Brett Brayman and Maria Brayman, acting by and through their attorneys, Hurlburt, Tsiros & Allweil, P.C., and show unto this Honorable Court, as follows:

1. Plaintiffs are residents of the Township of Homer, County of Midland, State of Michigan.
2. Defendant Speedway LLC, a/k/a and/or previously known as Rex Oil & Gas Company and/or Speedway SuperAmerica, LLC of Findlay, Ohio ,owns and operates a gas station/convenience store and the property on which it sits, located at 604 South Saginaw Road, in the City and County of Midland, State of Michigan, which does business as Speedway Service Station #6276.
3. Said Defendant is a limited liability company organized under the laws of the State of Delaware with its resident agent being The Corporation Company, 40600 Ann Arbor Road, East, Suite 201, Plymouth, Michigan 48170, and is authorized to conduct business throughout the State of Michigan, and upon information and belief owns and operates approximately 300 gas station/convenience stores throughout the State of Michigan.
4. On or about 1/29/19 at or about noon, Plaintiff Brett Brayman pulled into the aforesaid Speedway Service Station, to purchase fountain drinks.
5. He parked his vehicle in a parking spot on the northside of the building and walked to the entrance of the store and entered. He purchased two fountain soft drinks, paid for them and then exited the building. When he got approximately half-way to his vehicle, the surface that he was walking upon suddenly shifted beneath him, causing Plaintiff to slide forward and fall upon a steel plate that lay concealed by a layer of unsalted snow and ice.

6. Immediately upon falling, Plaintiff Brett Brayman discovered that the unsalted snow and ice had concealed a recessed steel plate that had shifted beneath him as he unknowingly walked upon it, causing him to fall onto the recessed steel plate and concrete beneath him, with such a severe impact so as to injure his right dominant shoulder, tearing his rotator cuff and his pectoral muscle, and aggravate pre-existing low back pain, stiffness and dysfunction with radiation into the groin and down the right leg and into the right foot and toes.

7. Plaintiff Maria Brayman witnessed his fall, as she sat in the front passenger seat of their vehicle.

8. Plaintiff Brett Brayman picked himself up and then walked back to his vehicle. Plaintiff Maria Brayman then exited the vehicle and went in to report the fall to Stacy, Defendant's store manager on duty. Stacy prepared an accident report without ever going out to check on or interview Plaintiff Brett Brayman as to how he had fallen or how badly injured he was. Nor did Stacy make any effort to salt the area to reveal the presence of the steel plate below the ice and snow, nor to cordon off the area preventing other store patrons from falling.

9. Plaintiff Brett Brayman was a business invitee of Defendant at the time of his fall.

10. At the aforesaid time and place, it was the duty of Defendant as the possessor of the aforesaid premises to exercise reasonable care for the protection of Plaintiff; that Defendant operated under a duty to warn Plaintiff of dangers of which it knew or had reason to know, and/or that it had created, to inspect the premises to discover possible dangerous conditions of which it did not know, and to take reasonable precautions to protect Plaintiff and other similarly situated patrons, from foreseeable dangers.

11. Defendant did then and there breach its aforesaid duty in that:

(a) Defendant failed to exercise reasonable care to warn Plaintiff of the dangerous condition of the steel plate which was concealed by the snow and ice Defendant had failed to salt, prior to his fall, and/or

(b) Defendant failed to properly inspect its premises to discover possible dangerous conditions, including a shifting steel plate, obscured by ice and snow, that would present an unreasonable hazard of falling to its business invitees, and/or

(c) Defendant failed to take reasonable precautions, including but not limited to sanding, salting and/or cordoning off this area of its parking lot to protect Plaintiff and other patrons from the foreseeable and unreasonable danger of falling on the Defendant's said premises.

12. The existence of the defective and dangerous condition as hereinabove described was of such a character and of such duration that it would have been discovered by Defendant had it exercised reasonable care in inspecting its premises.

13. The acts and omissions of Defendant, as herein set forth, were negligence and/or gross negligence and were, in each instance, a proximate cause of Plaintiff's injuries and damages.

14. As a result of the occurrences hereinabove described, Plaintiff Brett Brayman has suffered injuries and damages, including injuries to his right dominant shoulder region, to wit: a torn rotator cuff and torn pectoral muscle, and aggravation of a pre-existing low back condition with radiation into the groin and down the right leg into the right foot and toes, with accompanying pain, stiffness and dysfunction of his right upper extremity; that said Plaintiff's injuries and damages further include pain, fright, shock, disability, disfigurement, mental anguish, embarrassment, humiliation, loss of earning capacity, and loss of social pleasures and enjoyments; that Plaintiff has further incurred medical,

hospital, surgical and rehabilitation expense and will, in the future, incur additional such expense; that all said damages are permanent and/or will last into the indefinite future; and all said injuries and damages were proximately caused by the acts and omissions of Defendant, as hereinabove set forth.

15. Plaintiffs Brett Brayman and Maria Brayman are husband and wife, and Plaintiff Maria Brayman, as a result of the injuries sustained by her husband, has suffered injuries and damages consisting of the loss of his support, society and companionship.

WHEREFORE, Plaintiffs pray for such damages as appear to be fair and just at the time of trial of this cause, said damages being in excess of the sum of Twenty-Five Thousand Dollars (\$25,000.00).

HURLBURT, TSIROS & ALLWEIL, P.C.

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Dated: 1/19/2022